

Message Text

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ACTION IO-10

INFO OCT-01 ARA-06 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 AF-06 EA-07 EUR-12 NEA-10

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 5470

INFO USMISSION USUN

C O N F I D E N T I A L SANTIAGO 7323

EO 11652: GDS

TAGS: SHUM, UNGA, CI

SUBJ: THIRD COMMITTEE -- CHILE RESOLUTION

REF: USUN 5465, 5486; SANTIAGO 7217

1. WE ARE IN ACCORD WITH USUN'S COGENT ANALYSIS OF THE PROBLEMS RAISED BY ALLANA DRAFT RESOLUTION (USUN 5465) AND, TO LESSER DEGREE, BY DRAFIN GROUP TEXT (USUN 5486).

2. IF IN FACT IT IS OUR DESIRE TO PERSUADE GOC TO MOVE EXPEDITIOUSLY TO IMPROVE HUMAN RIGHTS SITUATION IN CHILE, THIS CAN BE BETTER DONE BY GENERAL ADMONITIONS THAN BY DETAILED PRESCRIPTIONS WHICH TAKE NO ACCOUNT OF LOCAL PROBLEMS INVOLVED IN COMPLIANCE -- INCLUDING THE PSYCHOLOGICAL PROBLEM RESULTING FROM PASSAGE OF A DETAILED, CONDEMNATORY RESOLUTION. WE BELIEVE UN OBJECTIVE SHOULD BE TO INDUCE CHILEANS TO RECTIFY EXISTING SITUATION IN THEIR OWN WAY, AND EXPECT FOR THE MOST SALIENT GUIDELINES, NOT TO TELL THEM HOW TO DO IT.

3. MANY OF THE LEADERS IN THE ANTI-CHILE CAMPAIGN IN UN APPEAR TO BE NOT SO MUCH INTERESTED IN HUMAN RIGHTS

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IN CHILE AS THEY ARE IN DISPLACING THE JUNTA WITH A

DIFFERENT TYPE OF REGIME. WHETHER OR NOT ONE CONSIDERS THIS DESIRABLE IN ITSELF, IT IS CLEARLY NOT A PROPER BASIS FOR UN ACTION AND, WE WOULD SUBMIT, NOT SOMETHING WE SHOULD SUPPORT IN THE UN. MOREOVER, WE WOULD SUGGEST THAT A VERY DANGEROUS PERCEDENT WOULD BE ESTABLISHED IF UN WERE TO FOLLOW ALLANA DOWN THE PATH OF SPECIFIC REMEDIES. DEALING WITH HUMAN RIGHTS PROBLEMS WORLD WIDE ON THIS BASIS WOULD BE LIKE TRYING TO MOVE A MOUNTAIN WITH A TEASPOON. WE OURSELVES MIGHT SOME DAY RECEIVE SIMILAR TREATMENT FROM THE UN MAJORITY.

4. WITH APOLOGIES FOR ATTEMPTING TO MAKE SUGGESTIONS ON TACTICS FROM THIS DISTANCE, WE VENTURE TO MAKE FOLLOWING COMMENTS: (A) IT WOULD BE WELL TO INCLUDE IN PREAMBLE SOME REFERENCE TO FONMIN CARVAJAL'S GENERAL DEBATE STATEMENT THAT CHILEANS INTEND TO RETURN TO NORMAL CHILEAN PRACTICES AS SOON AS CIRCUMSTANCES PERMIT. (B) SIMILARLY, SOME REFERENCE SHOULD BE MADE TO PAST CHILEAN PRACTICE OF ADMITTING INVESTIGATING BODIES, PERHAPS WITH EXPRESSION OF HOPE THAT GOC WOULD REVERT TO THIS POLICY. (C) SINCE REPORT OF AD HOC WORKING GROUP IS CITED, CHILEAN REBUTTAL DOCUMENT, WHICH WE GATHER HAS BEEN CIRCULATED, ALSO DESERVES MENTION.

5. WE SUGGEST NO CHANGE IN PARAS 1 AND 2. WE WOULD PREFER TO SEE PARA 3 OF DRAFTING GROUP TEST REPHRASED TO CONCENTRATE SOLELY UPON CIVIL RIGHTS ABUSES NOW PREVALENT IN CHILE, ELIMINATING REFERENCE TO GENERAL POLITICAL RIGHTS (SUB PARA F). TIME TO URGE THESE UPON CHILE IS WHEN WE URGE THEM UPON EVERYBODY ELSE. A GENERAL FORMULATION ALONG THE FOLLOWING LINES MIGHT BE CONSIDERED: "URGES THE GOVERNMENT OF CHILE PROMPTLY TO TAKE ALL APPROPRIATE STEPS TO ENSURE FULL RESPECT FOR HUMAN RIGHTS, SO THAT ALL CHILEANS MAY ENJOY FREEDOM FROM ARBITRARY ARREST AND DETENTION, AND IN PARTICULAR NORMAL STANDARDS OF CHILEAN JURIDICAL PROTECTION AND HUMANE TREATMENT FOR THEMSELVES AND THEIR FAMILIES WHILE IN CUSTODY."

6. THIS PHRASEOLOGY SUBSUMES IN GENERAL TERMS APPLICATION OF AMPARO, NOTIFICATION TO FAMILIES, RIGHT OF COUNSEL, ENDING OF TORTURE, ETC. IF TOO BLAND FOR UNGA ACCEPTABILITY, LANGUAGE

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COULD BE POINTED UP BY ADDITIONAL SPECIFICS.

7. WHILE REFERENCE TO LAST PARTION OF PARA 3 C, AND TO PARAS D AND E ARE SUBSTANTIVELY QUITE JUSTIFIABLE, WE WOULD PREFER NOT TO SEE THEM INCLUDED IN THE TEST, FOR REASONS GIVEN ABOVE.

8. IN DISCUSSIONS LEADING UP TO FINAL ACTION ON THIS ITEM,

US DEL MIGHT WISH TO RAISE WITH CHILEANS QUESTION WHETHER
SOME RESTRUCTURING OF AD HOC WORKING GROUP OR SOME CHANGE
IN ITS PROCEDURES MIGHT NOT FACILITATE ITS ADMISSION TO
CHILE IN FUTURE. IF SO, PARA 5 OF DRAFTING GROUP
TEXT COULD BE MODIFIED ACCORDINGLY.

9. FOREGOING RESPONDS TO REQUEST FOR EMBASSY IDEAS
IN LOWENTHAL (ARA/BC) OCT 31 TELCON. WE RECOGNIZE IT
REFLECTS A LOCALISTIC VIEW, BUT WE THINK IT DESERVES
CONSIDERATION IN WORKING OUT A BALANCED TEXT WE COULD
SUPPORT WHILE PUSHING CHILEANS IN DIRECTION WE DESIRE.
POPPER

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